

REMARKS

Claims 1, 2, 4, 5 and 7 remain active in this application. Claims 3 and 6 have been canceled and salient recitations thereof included in independent claims 1 and 5. Claims 1 and 5 have been further amended to more fully recite the subject matter regarded as the invention. Support for the amendments of the claims is found throughout the application, particularly in Figures 1 and 2 and the description thereof on pages 6 and 7. No new matter has been introduced into the application.

Claims 1 - 6 have been rejected under 35 U.S.C. §103 as being unpatentable over Redi in view of Yoshimura and the newly cited reference to Hayakawa. Claim 7 has been rejected under 35 U.S.C. §103 as being unpatentable over the same combination of references in view of the further teachings of Aoki et al. These grounds of rejection are respectfully traversed for the reasons of record and the further remarks below, particularly in regard to the newly cited reference to Hayakawa.

As stated at page 5, lines 13 - 15, of the original specification, the basic concept of the invention is to provide a *priori* information about the environment of a mobile terminal to parameterize the signal processing algorithms. The invention also exploits the fact that speed information need not be exact in order to do so and addresses the problems that known solutions to cell searching difficulties do not take traveling speed of the mobile terminal into account (see page 4, lines 25 - 26) and the very different problem of obtaining a *priori* information concerning communication channel properties which are directly related to the traveling speed of the terminal (see page 5, lines 18 - 21). Obtaining traveling speed information internally of the mobile

terminal is also complicated by the very degradation of communication caused by the traveling speed and the problem is thus circular in nature if attempts are made to estimate the traveling speed from the quality and signal strength of one or more communication channels, as previously pointed out. The invention addresses both of these problems by obtaining a *priori* information of an approximation of the traveling speed from an external source such as speed information communicated over a wired link in an automobile or a wireless link in a public conveyance such as a train. The invention also provides for manual input of an approximation of speed when other external sources are unavailable and/or manual confirmation of such information which is, in fact, received from such external sources.

The Examiner continues to suggest that the claims may be somewhat indefinite in regard to the recitation of external sources of such information (but does not reject the claims under 35 U.S.C. §112). However, it is again respectfully submitted that the claims are permissibly broad to comprehend such external traveling speed information sources as well as a manual input through an interface *in combination therewith*. Moreover, amendment of the claims has now been requested to emphasize the *combination* of external traveling speed information source(s) and an interface for manual input. Thus it is respectfully submitted that the incidental teaching of providing a manual input of speed information in Hayakawa as an alternative to *internal* speed determination or estimation from communication signal quality and strength does not, in fact, answer the claimed subject matter even in regard to this aspect of the invention, particularly as claimed upon entry of the above-requested amendments in regard to this aspect of the invention.

Further, it has been previously pointed out that the combination of Redi and Yoshimura fall far short of answering the recitations of the claims as currently rejected (or amended as requested). Redi is directed to provide improvements in economy of operation of a wireless communication system by providing more frequent and/or rapid switching between base stations as speed of a mobile terminal increases (for which *internal* approximation of speed from a sequence of positions obtained, for example, from a global positioning system or by expected motion rate projection is apparently adequate) but does not teach or suggest any compensation for communication degradation due to motion. Yoshimura seeks to perform compensation for communication channel degradation due to terminal speed but obtains speed information by internal calculation from GPS position in much the same manner as Redi. It also appears that the compensation performed by both Yoshimura and Hayakawa is limited to synchronization and clock rate adjustment in the context of spread spectrum transmission but does not address cell searching/cell switching or channel response estimation as explicitly recited in the requested amendatory language of independent claims 1 and 5. Thus, none of the prior art currently applied to the independent claims provides for direct input of traveling speed from a *combination* of an external source over a wired or wireless link *and* an external source which includes provision for manual input much less provide such information to the particular compensation arrangements claimed. Aoki et al. does not mitigate these deficiencies since, as previously pointed out, externally detected speed is not communicated to the mobile terminal or used for any compensation processing therein but only used for adjustment of packet length

communicated to the mobile terminal by each of a sequence of transmitters.

Accordingly, it is respectfully submitted that the recitations of the claims as currently rejected or amended as requested above are not answered by the teachings, suggestions or evidence of the level of ordinary skill in the art provided by the prior art applied by the Examiner and the Examiner has not made and cannot make a *prima facie* demonstration of obviousness of the subject matter of any claim, particularly when amended as requested above. Therefore, reconsideration and withdrawal of the asserted grounds of rejection are respectfully requested.

It is also respectfully submitted that the finality of the present action is premature. No official action should be made final when the preceding action did not make a *prima facie* demonstration of the propriety of the grounds of rejection contained therein. The deficiency of the previous action is clearly evidenced by the Examiner's inclusion of the newly cited reference to Hayakawa and, conversely, making the current action final would preclude Applicant's response thereto if entry of the above-requested amendments is denied. In this regard, it is respectfully submitted that no new issue is raised by the above-requested amendments since it is noted that manual input of speed information and wireless transmission of traveling speed information were previously recited in dependent claims (thus requiring a construction of independent claims which includes both links which are other than wireless (e.g. wired links or manual input) and manual input and/or confirmation, as disclosed.

Further, it is clear from the Examiner's comments that the required construction of the independent claims

has not yet been fully accorded to the independent claims or even appreciated by the Examiner in view of the Examiner's continuing insistence that recitations of the independent claims may be somewhat indefinite but without fully appreciating how the claims, in fact, require a construction which clearly and unambiguously defines the invention and, so construed, requires subject matter which clearly distinguishes from the prior art applied by the Examiner. Moreover, it is respectfully submitted that the Examiner's rationale throughout the current office action amounts to an attempt to reconstruct the invention through hindsight while effectively ignoring explicit recitations of the claims in regard to subject matter which the claims themselves require. Accordingly, it is respectfully requested that the finality of the current official action be withdrawn and the above-requested amendments entered as a matter of right in order to avoid prejudice to Applicant and to afford Application the consideration of the subject matter of the claims, properly understood and construed, to which the Applicant is clearly entitled.

In any event, it is respectfully submitted that entry of the above-requested amendments is well-justified since no new issues (beyond issues which clearly should have been considered) are raised thereby and as placing the application in condition for allowance by clarification of the claims in consideration of newly cited prior art. Accordingly, entry and consideration of the above-requested amendatory matter is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully

submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Marshall M. Curtis

Reg. No. 33,138

Whitham, Curtis, Christofferson & Cook, P. C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190

(703) 787-9400
Customer Number: 30743